

**To:** Sugerman, Rebecca[Sugerman.Rebecca@epa.gov]  
**Cc:** Yee, Corinne S CIV NAVFAC HAWAII[(b) (6)] Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor[(b) (6)]; Ahuna, Andre CIV NAVSUP FLCPH, Code 03[(b) (6)]  
**From:** Daugherty, Steven A CIV NAVFAC Pacific, 09C  
**Sent:** Thur 10/15/2015 12:11:19 AM  
**Subject:** RE: Red Hill AOC NDA DRAFTS for review and comment  
[smime.p7s](#)

Rebecca,

Understand that you were out last week but just following up to see where we are with the NDA forms and whether you have a draft of the EPA form for BWS/other SME consultants for our review? We still need to fine tune our standard NDS for BWS and other non-regulator participants. Would like to try to have these wrapped up before the initial scoping meetings this month if at all possible.

v/r,

Steven Daugherty  
Associate Counsel, NAVFAC PAC  
(b) (6)

-----Original Message-----

**From:** Sugerman, Rebecca [mailto:Sugerman.Rebecca@epa.gov]  
**Sent:** Friday, October 02, 2015 1:22 PM  
**To:** Daugherty, Steven A CIV NAVFAC Pacific, 09C  
**Cc:** Yee, Corinne S CIV NAVFAC HAWAII; Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; (b) (6)  
**Subject:** RE: Red Hill AOC NDA DRAFTS for review and comment

Thanks for getting these out before you go. I don't see anything we'd need to talk about this afternoon.

I am out of the office next week as well. I will coordinate with my team to confirm we are okay with the language update, and will have a response for you the week of October 13 (Oct 12 is a holiday).

Thanks,

Rebecca

-----Original Message-----

**From:** Daugherty, Steven A CIV NAVFAC Pacific, 09C (b) (6)  
**Sent:** Friday, October 02, 2015 11:56 AM  
**To:** Sugerman, Rebecca  
**Cc:** Yee, Corinne S CIV NAVFAC HAWAII; Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; (b) (6)  
**Subject:** Red Hill AOC NDA DRAFTS for review and comment

Rebecca,

As previously discussed, my suggested revisions to the prior EPA, EPA Contractor, and EPA SEE NDA's are attached for review and comment. Changes are shown in track changes. Primary intent is to 1) make applicable to all of the AOC tasks instead of tying to a particular task order, 2) to eliminate the word "confidential" which can create confusion re whether a document is classified, and instead use/reference the 10.d. language of the AOC, and 3) for the EPA contractors, to add language to cover more

procurement related participation and to make more generic rather than tying to a particular EPA contract or Task Order.

I have not had a chance to run the drafts through the rest of the Navy/DLA team, so we may be receiving comments from them as well, however, I have discussed the concept with most of the other attorneys and so don't expect comments requiring major revisions or a change in approach.

Once we have the final EPA NDS, I believe it can be tweaked slightly for USGS.

We still need to work on the BWS NDA, I may get a rough draft out before going on leave, but understand that our form will need to mesh with and reference EPA's form which we understand is still in development.

As previously discussed, I will be out of office next week, and Becky Hommon will also be out of office. Corrine Yee the other Red Hill attorneys copied above should be available to discuss revisions if needed while I am out. I will be available to discuss this afternoon if you have any immediate questions.

As previously discussed, for DOH, while we would prefer individual NDAs, I believe that the existing approach of documenting receipt of State AG guidance for each DOH participant can probably continue to be used without modification, and that a similar approach could be used for DLNR if State concerns re individual forms cannot be addressed.

v/r,

Steven Daugherty  
Associate Counsel, NAVFAC PAC

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